

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA

v.

RUSSELL LUCIUS LAFFITTE,

Defendant.

Case No.: 9:22-cr-00658-RMG

**DEFENDANT RUSSELL LUCIUS LAFFITTE'S NOTICE OF SUPPLEMENTAL
AUTHORITY FOR SENTENCING HEARING**

Defendant Russell Lucius Laffitte ("Mr. Laffitte"), by and through undersigned counsel, respectfully submits this notice of supplemental authority in support of his Sentencing Memorandum and Motion for Downward Variance (ECF No. 306) and ahead of his sentencing hearing on August 1, 2023. Undersigned counsel hereby gives notice to the Court and to counsel for the government of the following case law in support of Mr. Laffitte's argument for a downward variance based on the relevant 18 U.S.C. § 3553(a) factors: *United States v. Louthian*, 756 F.3d 295 (4th Cir. 2014); *United States v. McKanry*, 628 F.3d 1010 (8th Cir. 2011); *United States v. Cole*, 765 F.3d 884 (8th Cir. 2014); *United States v. Faulkenberry*, 759 F. Supp. 2d 915 (S.D. Ohio 2010), *aff'd*, 461 F. App'x 496 (6th Cir. 2012); *United States v. Keller*, 498 F.3d 316 (6th Cir. 2007); *United States v. Regensberg*, 635 F. Supp. 2d 306 (S.D.N.Y. 2009), *aff'd*, 381 F. App'x 60 (2d Cir. 2010); *United States v. Johnson*, No. 16-CR-457-1 (NGG), 2018 WL 1997975 (E.D.N.Y. Apr. 27, 2018); *United States v. Gupta*, 904 F. Supp. 2d 349 (S.D.N.Y. 2012), *aff'd*, 747 F.3d 111 (2d Cir. 2014); *United States v. Adelson*, 441 F. Supp. 2d 506 (S.D.N.Y. 2006), *aff'd*, 301 F. App'x 93 (2d Cir. 2008); *United States v. Parris*, 573 F. Supp. 2d 744 (E.D.N.Y. 2008); *United States v. Augustin*, No. CR 2:15-0799-2-RMG, 2018 WL 9732081 (D.S.C. Oct. 2, 2018); *United States v. Doctor*, No. CR 2:12-0552-RMG, 2022 WL 1138102 (D.S.C. Apr. 18, 2022); and *United States*

v. Johnson, No. CR 2:15-386-RMG, 2022 WL 17624802 (D.S.C. Dec. 13, 2022).

In addition, undersigned counsel gives notice of the following case law regarding Mr. Laffitte's argument that he is entitled to a mitigating role adjustment pursuant to U.S.S.G. 3B1.2(b): *United States v. Colorado*, 716 F. App'x 922 (11th Cir. 2017); *United States v. Yurek*, 925 F.3d 423 (10th Cir. 2019); *United States v. Diaz*, 884 F.3d 911 (9th Cir. 2018); *United States v. Quintero-Leyva*, 823 F.3d 519 (9th Cir. 2016); *United States v. Leiskunas*, 656 F.3d 732 (7th Cir. 2011); *United States v. Saenz*, 623 F.3d 461 (7th Cir. 2010); *United States v. Wynn*, 37 F.4th 63 (2d Cir. 2022); and *United States v. Delacruz*, 371 F. App'x 245 (2d Cir. 2010).

Respectfully submitted,

s/Mark C. Moore

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